

REMARKS

The present filing is responsive to the Office Action.

Summary of the Response

The FIGS. 1-4 have been amended. Claim 12 has been amended. New claims 14-19 have been added. Claims 1-19 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

Objections to Specification and Claims

Applicant amended Figs. 1-4 to include the legend “Prior Art”.

Applicant does not understand the Examiner’s objections to claims 10 and 11. Applicant could not locate the informalities noted by the Examiner in the claims as last presented in the earlier filed Preliminary Amendment.

Applicant respectfully submits that the informalities noted by the Examiner may have been present in the scanned OCR version of the claims in the Office records. If that is indeed the case, Applicant cannot amend the claims to correct errors in the office records that arose beyond Applicant’s control.

For example, referring to the image file wrapper, Applicant notes that the preamble of claim 6 as previously presented in the earlier filed Preliminary Amendment recites “A device as claimed in claim 1” However, the published text version of the present application shows claim 6 missing the “in” between “claimed” and “claim 1”.

Applicant respectfully requests the Examiner to review the earlier filed claims to make sure the office records conform to the earlier filed Preliminary Amendment, and that such Preliminary Amendment be accurately OCR scanned to reflect the correct status of claims for the record.

Claim Rejections Under 35 USC 102

Claims 1-3, 6-7 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuji (US 7,071,929). This rejection is respectfully traversed.

At the onset, Applicant notes that Fuji is applied as a 102(e) reference. Given traversal of Fuji below, Applicant had not yet considered the option of swearing behind Fuji, but reserves the right to do so at a later date should the need arise.

Independent claim 1 recites “shifting the ON gate voltage and the OFF gate voltage in dependence on **drive and/or environmental conditions**, the control circuitry (50) maintaining a constant difference (39) between the ON gate voltage and the OFF gate voltage”. Independent claim 10 recites “shifting the ON gate voltage and the OFF gate voltage in response to the **control signal** (52) [that is dependent on drive and/or environmental conditions], and maintaining a constant difference between the ON gate voltage and the OFF gate voltage”.

Independent claim 11 recites “shifting the ON gate voltage and the OFF gate voltage in dependence on **drive and/or environmental conditions** whilst maintaining a constant difference between the ON gate voltage and the OFF gate voltage”. Fuji does not disclose maintain a constant difference between the ON gate voltage and the OFF gate voltage.

The Examiner referred to the Abstract in Fuji, to allege a disclosure of shifting the ON gate voltage and the OFF gate voltage in dependence on drive and/or environmental conditions.

However, Fuji does not change the OFF gate voltage from a constant level, as shown in Fig. 2 in Fuji. This embodiment clearly does not disclose shifting of the ON and OFF gate voltage, much less shifting ON and OFF gate voltage in dependence on drive and/or environmental conditions.

The Examiner referred to Fig. 7 in Fuji to allege disclosure of maintaining a constant difference between the ON gate voltage and the OFF gate voltage. Fig. 7 in Fuji is directed to a prior art embodiment, which likewise does not provide for shifting the ON gate voltage and the OFF gate voltage. In fact, the prior art embodiment in Fuji does not shift the ON gate voltage or the OFF gate voltage, much less shift the ON gate voltage and the OFF gate voltage. It is clear from Fig. 7 in Fuji that it at most discloses ON gate voltage at a constant level, and OFF gate voltage also at a constant level. The ON gate voltage and OFF gate voltage are not being shifted at all. The prior art embodiment also does not disclose shifting of the ON and OFF gate voltages in dependence on drive and/or environmental conditions.

Accordingly, even if the prior art embodiment in Fig. 7 and the inventive embodiment in Fig. 2 are combined, such combination is still missing the recited shifting of gate voltage, much less shifting of ON and OFF gate voltages. Fuji is therefore deficient in its disclosure to support anticipation of the claimed invention in claims 1, 10 and 11 and all their dependent claims.

Further, Applicant respectfully submits that it is improper for the Examiner to indiscriminately selectively pick structures from different embodiments to derive a structure corresponding to the claims, especially in the case of Fuji, the Examiner indiscriminately selectively picked structures from its prior art embodiment and the disclosed inventive embodiment of its invention. Specifically, the prior art embodiment does not rely on environmental conditions to adjust ON and OFF gate voltages (see, Fuji at col. 2, ll. 24-43). In fact, Fuji recognized the problem in the prior art embodiment, which problem Fuji specifically

overcame with its invention (see, Fuji at col. 2, ll. 47-54). Fuji took the specific approach of not shifting ON and OFF gate voltages to maintain a constant difference between the ON and OFF gate voltages in order to accommodate temperature effects, as evident from Fig. 2 in Fuji. Accordingly, a reasonable reading of Fuji can only lead one to conclude that Fuji accommodates temperature effects by control of ON gate voltage in a manner that do not and cannot have a constant difference between the ON and OFF gate voltages, as illustrated in Fig. 2. There is no teaching found anywhere in Fuji, that shifting of ON and OFF gate voltages to maintain a constant difference can and should be applied to accommodate temperature effects. To find otherwise would amount to indiscriminate selection and combination of various components in Fuji, to somehow assemble a hypothetical structure that is neither explicitly nor implicitly taught by the specific disclosure, but instead based on hindsight of the disclosure of the present invention.

Should the Examiner reject the claims based on other grounds in the next action, such action should not be made final, as independent claims 1, 10 and 11 have not been amended to necessitate a new ground of rejection.

Claim Rejections Under 35 USC 103

Claims 4, 5, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuji (US 7,071,929) in view of Moriyama (US 2001/0017611). Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuji (US 7,071,929) in view of Hong (US 2004/0169627). These rejections are respectfully traversed.

Given the traversal of the independent claims 1, 10 and 11, the rejection of dependent claims 4, 5, 9 and 12 are rendered moot. These claims are likewise patentable for at least the reasons given above.

New Claims

New independent claims 14-19 have been added to round out the coverage of the scope of the invention. Claims 14-16 specifically recite that **both** the ON and OFF gate voltages are being shifted, and claims 17-19 specifically further recite that the ON and OFF gate voltages are both shifted by applying a DC voltage to a common electrode. The recited structure is clearly not disclosed in Fuji.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. **The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.**

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 501288** referencing the attorney docket number of this application.

Respectfully submitted,

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Attachments:

Replacement Sheets (2 sheets)
Annotated Drawings Sheets (2 sheets)